



The European Union – Caribbean Relation

On the apparent deterioration of the EU-Caribbean relationship

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Published in:
European Foreign Affairs Review

Publication date:
2016

Document version
Publisher's PDF, also known as Version of record

Citation for published version (APA):
Broberg, M. (2016). The European Union – Caribbean Relation: On the apparent deterioration of the EU-Caribbean relationship. *European Foreign Affairs Review*, 21(1), 75-94.
<http://www.kluwerlawonline.com/abstract.php?area=Journals&id=EERR2016006>

EUROPEAN FOREIGN
AFFAIRS REVIEW

Published by:
Kluwer Law International B.V.
P.O. Box 316
2400 AH Alphen aan den Rijn
The Netherlands

Sold and distributed in North, Central and South America by:
Wolters Kluwer Legal & Regulatory U.S.
7201 McKinney Circle
Frederick, MD 21704
USA

In all other countries sold and distributed by:
Turpin Distribution Services
Stratton Business Park
Pegasus Drive
Biggleswade
Bedfordshire SG18 8TQ
United Kingdom

ISSN 1384-6299

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Print subscription prices, including postage (2016): EUR 485/USD 647/GBP 356.
Online subscription prices (2016): EUR 449/USD 600/GBP 330.

(2016) 20 EFA Rev. should be used to cite this volume.

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The European Union-Caribbean Relation: On the Apparent Deterioration of the EU-Caribbean Relationship

Morten BROBERG^{*}

EU diplomats consider the Caribbean countries to be allies and therefore expect these countries to support the EU in international affairs – but they find that this support has been waning in recent years. Caribbean diplomats and politicians do not share the European viewpoint. Rather, they take the view that the EU has forgotten its Caribbean allies and instead channels its attention and funding towards Sub-Saharan Africa. This article examines to what extent this asserted ‘rift’ really signals a profound change in the EU-Caribbean relations.

1 INTRODUCTION

On 14 September 2010 the United Nations (UN) General Assembly voted in favour of postponing a decision on a draft resolution which, if adopted, would have given the European Union a number of procedural rights within the UN-framework; including the right to participate in the general debate of the General Assembly and the right to be inscribed in the list of speakers among representatives of major groups, in order to make interventions. Not only was this a major diplomatic defeat on the part of the European Union. What European

^{*} Professor and Jean Monnet Chair, University of Copenhagen, Faculty of Law, Denmark (morten.broberg@jur.ku.dk). The author would like to thank his research assistant Peter Hjaltason for excellent assistance regarding the work on this article, and in particular for the extensive help regarding the data provided in s. 3.1 as well as with the production of figure 3. The article is primarily based on public, written sources, but these sources have been supplemented (and verified) through a number of informal (off-the-record) exchanges with EU diplomats based in Brussels and in some EU Member State capitals as well as with Caribbean politicians, diplomats and academics. A preliminary draft of this article was presented at the SALISES 15th Annual Conference, Port-of-Spain, Trinidad & Tobago, 23–25 Apr. 2014. A considerably revised version of the paper was presented at the SALISES 16th Annual Conference in Rodney Bay, St. Lucia, 14–16 Jan. 2015. Participants at the two conferences have provided very valuable comments. The author would also like to express his gratitude to H.E. Ambassador Mikael Barfod of the European Union’s delegation to Barbados and East Caribbean as well as to Development Cooperation Officer and EU Liaison Officer for human rights Solomon Loannou and Programme Officer – Development Cooperation Monica Paul-McLean of the European Union’s delegation to Trinidad & Tobago who kindly took time to read and discuss with the author preliminary drafts of what eventual has become this article. Their comments have led to extensive changes to the preliminary drafts. It goes without saying that only the author shall be held responsible for all views and any remaining inaccuracies that appear from this article.

Union diplomats characterize as particularly shocking was the fact that the counter-resolution that led to the postponement was tabled by CARICOM – a group of fifteen Caribbean States.¹ In the European Union's Member State missions to the UN as well as in the EU offices in Brussels news of the Caribbean opposition was received with disbelief. Talking behind firmly closed doors to both European Union and EU Member State diplomats, the rather undiplomatic term 'betrayal' regularly slips through their lips.

But why do European diplomats consider it particularly aggravating that the motion was tabled by the Caribbean countries? Apparently, it is a widespread opinion in Brussels that for decades the two sides have been close allies in international affairs, as has been reflected not only in strong political and cultural ties, but also in the fact that they have cooperated for many years within the so-called EU-African/Caribbean/Pacific (or simply ACP) framework – and for years the European Union has provided substantial development assistance and attractive trade preferences to the small countries on the other side of the Atlantic. Indeed, the European Union and its Member States are the main providers of development cooperation assistance to these countries.

In contrast, when talking to Caribbean diplomats and politicians a prevalent viewpoint seems to be that the European Union has forgotten its (former?) Caribbean allies so that today the Union channels virtually all its attention as well as its funding towards Sub-Saharan Africa. In this regard the Cotonou Agreement – the principal partnership agreement between the European Union and the ACP countries – is singled out as representative of this and thus a major cause of what both sides seem to view as a 'rift'.

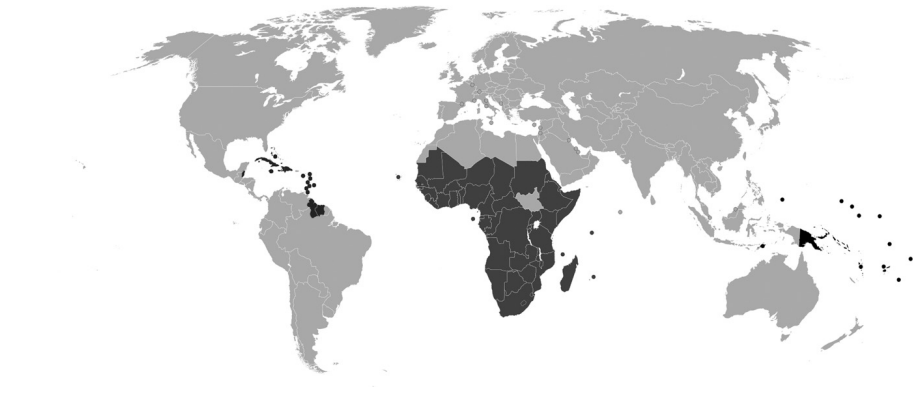
This article examines whether this asserted 'rift' between the two sides really signals a profound change in the EU-CARICOM relations. In other words, are the European diplomats right that they are giving special (and preferential) treatment to the small Caribbean States, and are the Caribbean States right in claiming that the European Union is disregarding them? We first take an overview look at the Cotonou Agreement (section 2). Thereupon we turn to examine the Caribbean view that the European Union is giving Sub-Saharan Africa priority at the cost of the Caribbean (section 3). Next, we consider EU-Caribbean political cooperation as well as to what extent cooperation with Latin America offers an alternative to cooperation with the European Union/the ACP cooperation framework (section 4). Based on the preceding evaluation we finally seek to conclude whether there really is a new and profound rift between the European Union and the Caribbean (section 5).

¹ The counter-resolution was also supported by African and Pacific States that the European Union traditionally has viewed as allies in international affairs. However, it appears that the Caribbean States were instrumental in the EU's defeat.

2 THE COTONOU AGREEMENT

On 23 June 2000 in Cotonou, the capital of Bénin, seventy-six African, Caribbean and Pacific States² as well as the EU and all the then EU Member States signed the 'Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part and the European Community and its Member States of the other part'; or the Cotonou Agreement as the agreement is normally known. The agreement was concluded for a twenty-year period from March 2000 to February 2020, and entered into force in April 2003. At the time of writing, it has been revised twice;³ in June 2005⁴ and in June 2010.⁵

Figure 1 ACP Countries 2015



Source: Produced by Thea Nisted Svendsen and Morten Broberg, University of Copenhagen.

The Cotonou Agreement is only the last in a long string of EU-ACP agreements; the first of which was signed in 1963 by eighteen, at the time newly independent, former colonies, on the one hand, and the six founding EU Member States and the European Union, on the other hand, not long after the genesis of

² This figure has been based upon a count of the signatures on the Cotonou Agreement from 2000. Somalia does not figure amongst the signatories, but has been counted amongst the Cotonou signatories. Moreover, Timor-Leste acceded to the Agreement in 2003. Cuba is the only ACP State that has not signed the Cotonou Agreement. This means that in June 2015 78 of the 79 ACP States had signed the Cotonou Agreement.

³ The Cotonou Agreement in Art. 95(3) foresees that the agreement is adapted every five years until 2020.

⁴ Amongst the changes brought about by the first revision was a strengthening of existing provisions on island ACP States.

⁵ In principle a third revision has been foreseen for 2015.

the last-mentioned.⁶ The Cotonou Agreement is based on three complementary pillars:

- Development cooperation.
- Trade cooperation.
- A political dimension.

According to Article 1 of the Cotonou Agreement, its principal objective is to reduce and eventually eradicate poverty and to do so in a way that is consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy (Article 1(2) of the Cotonou Agreement). Four fundamental principles underlie the Cotonou Agreement, namely:

- *Equality* of the partners, including ACP countries' ownership of the development strategies (Article 2(1)(1) of the Cotonou Agreement).
- *Participation* meaning that partnership is open to different kinds of other actors (while central governments are the main partners) (Article 2(1)(2) of the Cotonou Agreement).
- *Dialogue* and the fulfilment of mutual obligations (Article 2(1)(3) of the Cotonou Agreement).
- *Differentiation and regionalization* (Article 2(1)(4) of the Cotonou Agreement).

A central feature of the Cotonou Agreement is the active furthering of economic development – and to this end the European Union offers substantial funding in the form of development aid. Most of this funding is provided via the so-called European Development Fund (or EDF); a special funding scheme which for historical reasons is not part of the European Union's budget as such (but is still administered by the European Commission). For the period 2000–2007 the 9th EDF allocated funding to the value of EUR 13.8 billion whilst the 10th EDF that covered the period 2008–2013 provided EUR 22.7 billion. The 11th EDF, which covers the period 2014–2020,⁷ provides funding from the EU Member States totalling EUR 30.5 billion,⁸ and for the first time the combined resources

⁶ The so-called Yaoundé I Convention, signed 20 Jul. 1963.

⁷ The 11th EDF only entered into force on 1 Mar. 2015, cf. Council of the European Union, *Notice concerning the entry into force of the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies*, OJ L 45/1 (2015). See also, *Regulation 2015/322 of the Council of 2 March 2015 on the implementation of the 11th European Development Fund*, OJ L 58/1 (2015) and *Regulation 2015/323 of the Council of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund*, OJ L 58/17 (2015).

⁸ In addition, the European Investment Bank will provide loans to a value of EUR 2.6 billion.

allocated to the Caribbean amount to 1 billion.⁹ This very appreciable allocation was far from a given. On the contrary, according to the European Union's 2011 development policy strategy 'Agenda for Change' the allocation of EDF funding were to be made on the basis of the principles of 'graduation' and 'differentiation' which basically means that EU aid shall be given to those countries that are most in need and are most fragile.¹⁰ Only Bahamas and Trinidad & Tobago came under the graduation title, i.e., their economies were considered to have developed to such a level that they would not be offered funding under the 11th EDF. Fairly well-off Caribbean countries such as Barbados and St. Kitts & Nevis together with larger countries such as Jamaica were (merely) considerably differentiated (i.e., they would still receive aid, but other poorer ACP countries were given priority when it came to the actual allocation of aid). The poorer Caribbean countries such as St. Vincent & the Grenadines, St. Lucia and Grenada were only subject to limited differentiation (10–15%). The reason to this outcome regarding the 11th EDF – which was rather attractive from the Caribbean perspective – was the perceived vulnerability of the Caribbean countries; their small size, their economic structure, and that they are prone to natural disasters.¹¹ Moreover, Haiti, which is the only Caribbean country that falls within the category of least developed countries (LDCs), was given a larger national share of the 11th EDF than it had been given under the 10th EDF.¹²

Importantly, whereas the changes to the just explained national envelopes to the Caribbean under the 11th EDF led to reductions, this was more than compensated by a doubling of the regional allocation from EUR 165 million (equal to EUR 27.50 million/year) under the 10th EDF to EUR 346 million (equal to EUR 49.43 million/year) under the 11th EDF.¹³

⁹ EEAS, GoJ/EU celebrate start of 11th European Development Fund, <http://eeas.europa.eu/delegations/jamaica/press_corner/all_news/news/2014/20141106_1_en.htm> (6 Nov. 2014).

¹⁰ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Increasing the impact of EU Development Policy: an Agenda for Change* s. 4, COM (2011) 637 final (2011).

¹¹ For example, this has been reflected in Regulation 2015/322, *supra* n. 7. For a critical review of the differentiation in the 11th EDF, see ECDPM, *Differentiation in ACP-EU Cooperation: Implications of the EU's Agenda for Change for the 11th EDF and beyond* (October 2012), <<http://ecdpm.org/wp-content/uploads/2013/10/DP-134-ACP-EU-Cooperation-Implications-EU-Agenda-Change-11-EDF-2012.pdf>>.

¹² Some Caribbean ACP countries also benefit from the so-called FLEX (short-term fluctuations in export earnings) and the V-FLEX (Vulnerability FLEX) mechanisms. These mechanisms are financed over the EDF. See Art. 68 of the Cotonou Agreement together with its Annex II as well as, *Commission Decision of 5 November 2009 concerning the 2009 Allocation of Vulnerability FLEX resources under the tenth European Development Fund to support the most affected ACP countries cope with the global crisis and addenda to their Country Strategy Papers and National Indicative Programmes*, C(2009)8441 (2009).

¹³ European Commission, *The Caribbean*, <https://ec.europa.eu/europeaid/regions/caribbean-0_en> (last updated 8 Nov. 2015).

In other words, it would not seem right to claim that the Caribbean ACP countries had been forgotten or disadvantaged by the European Union.

In addition to the funding via consecutive EDFs, funding for the ACP countries is also provided over the European Union budget as such; in particular via the so-called Development Cooperation Instrument (DCI).¹⁴

In a Caribbean context it is also important to observe that part 5 of the Cotonou Agreement has provisions specifically aimed at ‘least developed, landlocked and island ACP States (LDLICS)’. With particular regard to the island ACP States, Article 89(1) of Chapter 4 – bearing the title ‘Island ACP States’ – provides as follows:

1. Specific actions shall be pursued to support island ACP States in their efforts to halt and reverse their increasing vulnerability caused by new and severe economic, social and ecological challenges. These actions shall seek to advance the implementation of the small island developing States’ priorities for sustainable development, while promoting a harmonized approach to their economic growth and human development.

Those island ACP States that may benefit from this preferential treatment are primarily Caribbean and Pacific countries.¹⁵

Thus, even though the Cotonou Agreement first and foremost has been drafted with the African ACP countries in mind, it is rather obvious that in relative terms (size and economic development) the Caribbean countries have been given a surprisingly favourable treatment.

3 THE CARIBBEAN VERSUS AFRICA

In personal interviews with the author Caribbean politicians, diplomats and academics have expressed the view that the Cotonou Agreement has been cut from a cloth that first of all suits the African ACP countries. This viewpoint is probably correct. However, before we jump to the conclusion that this shows that the European Union is merely focusing upon Africa, it may be useful to establish some objective facts for the two regions. In this way we may compare the

¹⁴ Regulation 233/2014 of the European Parliament and the Council of 11 March 2014 establishing a Financing Instrument for Development Cooperation for the Period 2014-2020, OJ L 77/44 (2014). With regards to the Development Cooperation Instrument and differentiation, see S. Herbert, *Reassessing aid to middle-income countries: the implications of the European Commission's policy of differentiation for developing countries* (ODI, Working Paper 349, 2012, <<http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7710.pdf>>).

¹⁵ Cf. Annex VI to the Cotonou Agreement which provides an exhaustive list of those island ACP States that may benefit from this preferential treatment. The list includes the following: Antigua and Barbuda; Bahamas; Barbados; Cape Verde; Comoros; Dominica; Dominican Republic; Fiji; Grenada; Haiti; Jamaica; Kiribati; Madagascar; Mauritius; Papua New Guinea; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Samoa; São Tomé and Príncipe; Seychelles; Solomon Islands; Tonga; Trinidad & Tobago; Tuvalu; Vanuatu.

treatment of the Caribbean ACP countries against that of their African counterparts with regards to the Cotonou Agreement.

The seventy-nine States that today form the ACP group of countries are divided between forty-eight in Sub-Saharan Africa, sixteen in the Caribbean (including Cuba that has not signed the Cotonou Agreement) and fifteen in the Pacific.¹⁶ The total population of the seventy-eight ACP countries that have signed the Cotonou Agreement is 964,759,000 (2012 estimate).¹⁷ Of these, approximately 95% (926,201,000) live in Africa, less than 3% (27,792,000) live in the Caribbean and about 1% (10,766,000) live in the Pacific. On average each African ACP country has a population of approximately 19,296,000 inhabitants, each Caribbean ACP country has, on average, a population of approximately 1,853,000 inhabitants, and for each of the Pacific ACP countries the average population is approximately 718,000 inhabitants.¹⁸

All Pacific and most Caribbean ACP countries are island States which together with their smallness arguably make them particularly vulnerable.¹⁹ In contrast, only six of the African ACP countries are island States (whilst fourteen of the African ACP countries are landlocked).

Of the seventy-five ACP signatories for which data is available, thirty-nine are LDCs,²⁰ thirty-one are developing countries (DCs) and five are high-income (i.e., non-developing) countries. The geographical allocation of these categories of the ACP countries is rather uneven, however. Thus, thirty-three (or almost 70%) of the African ACP countries are LDCs, fifteen (or more than 30%) are DCs and none are high-income countries. In contrast, only one (or about 7%) of the Caribbean countries is an LDC, nine (or about 60%) are DCs and five (or about 33%) are high-income countries.²¹ For the Pacific ACP countries, the figures are five (or about 42%) LDCs, seven (or about 58%) DCs and no high-income countries.²²

As is apparent from these figures, in economic terms the Caribbean ACP countries form a rather heterogeneous group where first of all Barbados and

¹⁶ ACP Secretariat, *FAQ*, <<http://www.acp.int/node/7>> (accessed 28 Jun. 2015).

¹⁷ United Nations, *World Population Prospects: The 2012 Revision, Volume I: Comprehensive Tables*, table S.1, Department of Economic and Social Affairs, Population Division (2013), <http://esa.un.org/unpd/wpp/Documentation/pdf/WPP2012_Volume-I_Comprehensive-Tables.pdf>.

¹⁸ *Ibid.*

¹⁹ D. A Mohammed, *The CARIFORUM-EU Economic Partnership Agreement: Impediment or Development Opportunity for CARIMCOM SIDS?*, in *The Diplomacies of Small States – Between Vulnerability and Resilience*, 160–177, 161 (A. F Cooper & T. M Shaw eds, Palgrave Macmillan, 2009).

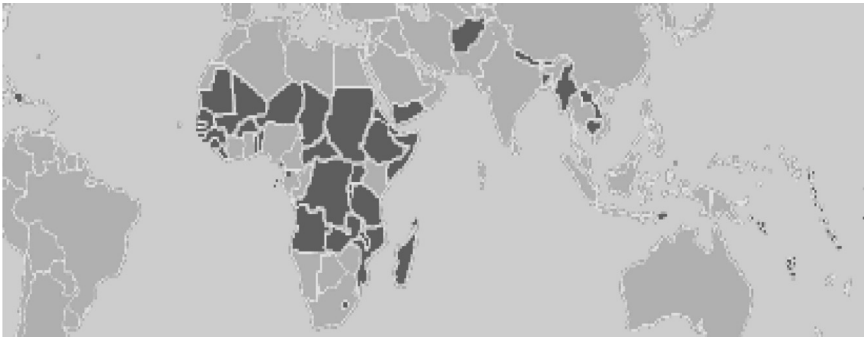
²⁰ United Nations OHRLLS, *About LDCs*, <<http://unohrrls.org/about-ldcs/>> (accessed 28 Jun. 2015).

²¹ Cuba is not a signatory to the Cotonou Agreement and has therefore not been included here; if Cuba were to be included, it would qualify as a developing country.

²² World Bank, *Country and Lending Groups*, <<http://data.worldbank.org/about/country-classifications/country-and-lending-groups>> (accessed 28 Jun. 2015). Data not available for Cook Islands, Nauru and Niue. French Polynesia is a high-income country, but formally speaking forms part of France and therefore does not fall within the ACP group.

Trinidad & Tobago arguably are in a league of their own. Moreover, whilst the Spanish speaking Caribbean countries (Cuba and the Dominican Republic) primarily look towards Latin America, the non-Spanish speaking Caribbean countries (English, French and Dutch speaking) generally continue to have much stronger relations with Europe.

Figure 2 Map of LDCs



Source: United Nations, Development and Policy Analysis Division (<http://www.un.org/en/development/desa/policy/cdp/ldc/profile/> accessed 28 June 2015).

Of the EUR 3,285.65 million the European Union provided in official development assistance (ODA) to ACP countries (not including Cuba) in 2013, EUR 2,989.57 million (approx. 91%) went to Africa, EUR 244.43 million (approx. 7%) to the Caribbean and EUR 51.65 million (approx. 2%) to the Pacific.²³ Calculating these figures relative to population size the ACP countries (not including Cuba) received EUR 21.25 per capita from the European Union, though the distribution varied greatly. Thus, on average the African ACP countries received EUR 8.54 per capita, while the Caribbean ACP countries received EUR 37.32 per capita and the Pacific ACP countries received EUR 45.84 per capita.²⁴ Moreover, these figures do not include aid given to countries that no longer qualify as developing (such as Trinidad & Tobago), since such aid does not count as ODA. In other words, even though only a small part of the European Union's ODA goes to the Caribbean ACP countries, these countries on average

²³ European Commission, *Annual Report 2014 on the European Union's development and external assistance policies and their implementation in 2013* table 5.11, pt. I, SWD (2014) 258 final (2014). The figures given here include funding from the European Union's 'Accompanying Measures for Sugar Protocol' (AMSP) and 'Banana Accompanying Measures' (BAM) – both of which are funded via the Union's budget (not via the EDF). For some of the Caribbean States the majority of the development assistance received from the European Union is provided via these two instruments.

²⁴ *Ibid.*, at table 5.12.

nevertheless receive several times higher per capita assistance than do the (poorer) African ACP countries.

Not only when it comes to development assistance do we see important differences between the three main ACP regions. The same is certainly also the case when it comes to trade. Thus, if we look at the total trade of each of the three regions, we find that for the African ACP countries trade²⁵ per capita ranges from 92 to USD 32,606.²⁶ For the Caribbean ACP countries trade per capita ranges from 506 to USD 21,669 and for the Pacific ACP countries trade per capita ranges from 985 to USD 5,563.²⁷

When it comes to the importance of the European Union as a trading partner with the ACP countries, we find that for the African ACP countries the European Union constitutes the primary export market for almost half of these countries (twenty-one out of forty-eight). South Africa is the primary export market for six of these African ACP countries. The remainder are widely spread (six have other African ACP countries as primary export market, two have the United Arab Emirates, one has China, one has India, two have Switzerland, and one has the USA as primary export market).²⁸

The situation is very different for the Caribbean ACP countries. Thus, ten of these countries have the USA as their primary export market. For the remaining Caribbean ACP countries, the primary export markets are evenly spread amongst the following destinations: Dominica, St. Lucia, Trinidad & Tobago, the United Arab Emirates, and Venezuela.²⁹ In other words, the European Union is not the primary export market for any of the Caribbean ACP countries.

Looking now at the Pacific ACP countries the situation changes yet again. Thus, for four of these ACP countries, Australia constitutes the primary export market, whilst China, Fiji, Japan, Malaysia, Morocco, and New Zealand each form the primary export market for one Pacific ACP country.³⁰ Put differently, as was the case for the Caribbean ACP countries, none of the Pacific ACP countries has the European Union as their primary export market.

²⁵ 'Trade' includes both exports and imports and it also covers both goods and services.

²⁶ World Trade Organization, *Trade Profiles 2014* (2014), <https://www.wto.org/english/res_e/booksp_e/trade_profiles14_e.pdf>. Data not available for Somalia and Eritrea.

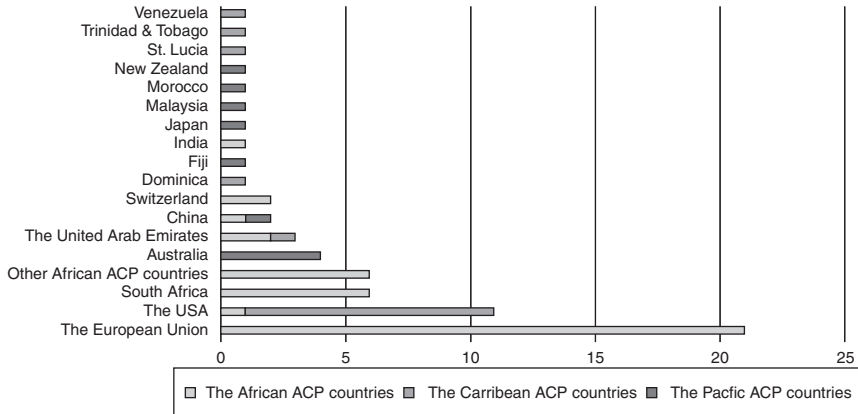
²⁷ *Ibid.* Data not available for Cook Islands, Federated States of Micronesia, Marshall Islands, Nauru, Niue, Palau, and Tuvalu.

²⁸ *Ibid.* Data not available for Angola, Chad, the Democratic Republic of Congo, Equatorial Guinea, Eritrea, Liberia, Sierra Leone, and Somalia.

²⁹ *Ibid.* Data not available for Haiti.

³⁰ *Ibid.* Data not available for Cook Islands, Federated States of Micronesia, Marshall Islands, Nauru, and Niue.

Figure 3 Chart of the ACP Countries' Primary Export Markets by Value of Export of Merchandise in 2014



Source: The figure has been based upon data from World Trade Organization, *Trade Profiles 2014*, (accessible at https://www.wto.org/english/res_e/booksp_e/trade_profiles14_e.pdf, last accessed 28 June 2015).

Turning finally to the demographic aspects of the ACP countries, we will yet again see that we are looking at a truly heterogeneous group displaying considerable differences. Hence, the median age of the population in the African ACP countries is 19.3.³¹ In contrast, the median age is 28.8 in the Caribbean ACP countries³² and 21.3 in the Pacific ACP countries.³³ Similarly, average life expectancy in African ACP countries is a mere 55.5 years, while it is 71.6 years in the Caribbean ACP countries and 68.6 years in the Pacific ACP countries.³⁴ These figures may be compared with those of the European Union where the population's median age is 41.2 years,³⁵ and the average life expectancy is 79.9 years.³⁶

³¹ Global Health Observatory Data Repository, *Demographic and socioeconomic statistics: Population Data by country (recent years)*, <<http://apps.who.int/gho/data/view.main.POP2040?lang=en>> (accessed 30 Jun. 2015).

³² *Ibid.* No data available for Dominica, and St. Kitts & Nevis.

³³ *Ibid.* No data available for Cook Islands, Marshall Islands, Nauru, Niue, Palau, and Tuvalu.

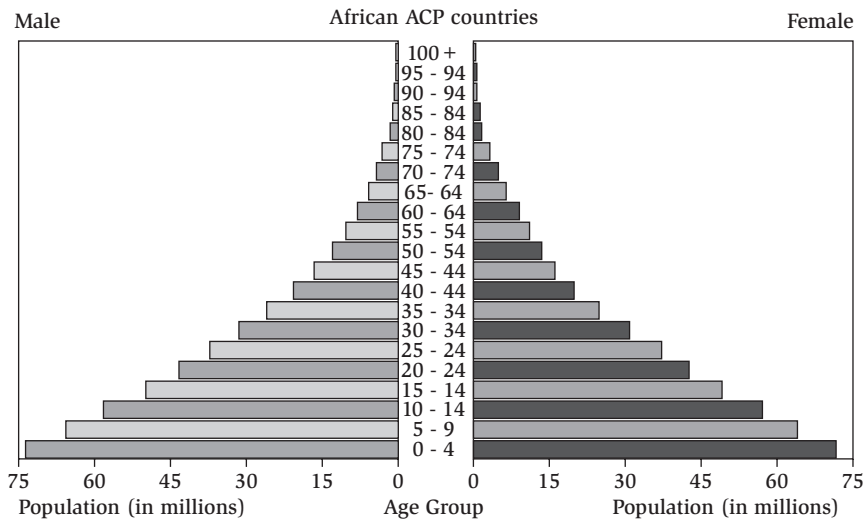
³⁴ United Nations, Department of Economic and Social Affairs, Population Division, *supra* n. 17, at table A.28.

³⁵ European Commission, *Eurostat Demography Report 2010*, 58 (2011), <<http://ec.europa.eu/eurostat/documents/3217494/5740869/KE-ET-10-001-EN.PDF/b804a9ff-5113-40f4-8f2b-bd263d9828a0?version=1.0>>. The figures do not include Croatia.

³⁶ Eurostat, *Life expectancy by age and sex*, <http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo_mlexpec&lang=en> (last updated 19 Jun. 2015).

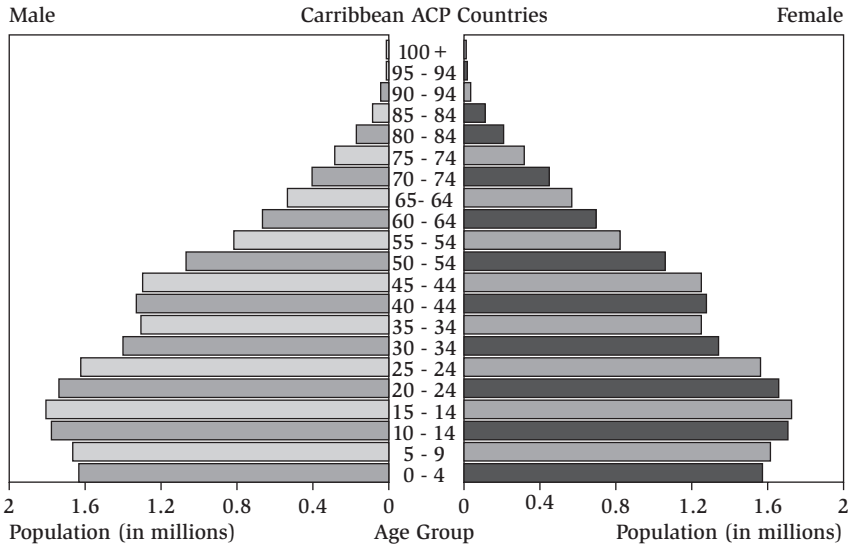
The best illustration of the important differences in the age distribution of the different populations may be provided by the population pyramids of the African ACP and the Caribbean ACP regions – together with that of the European Union. Whilst the European Union population pyramid shows the increasingly ageing population and the declining birth-rate that is characteristic for the global northern countries, the African population pyramid shows the classic developing country form. What is worth of note is that the Caribbean population pyramid lies somewhere in-between that of the European Union and that of the African ACP countries.

Figure 4 Age of the Population in the African ACP Countries 2014



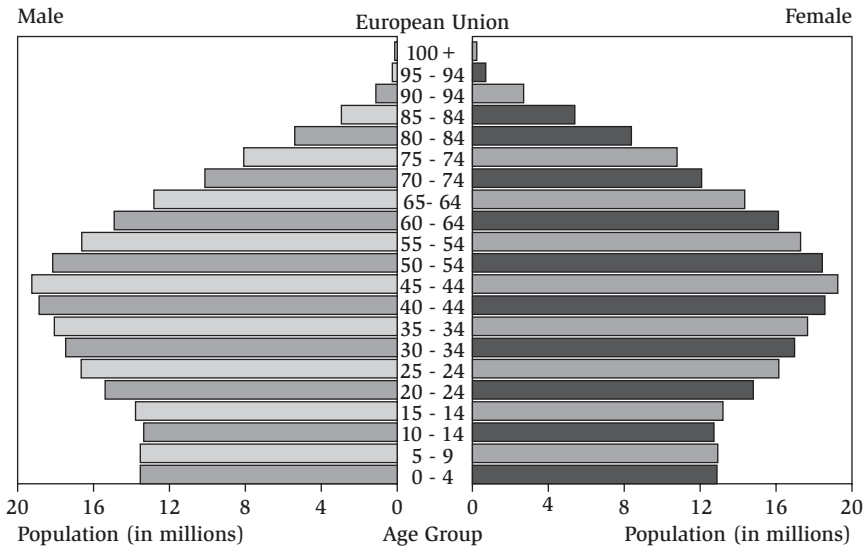
Source: United States Census Bureau, International Data Base. African ACP States, (data accessible at <http://www.census.gov/population/international/data/idb/region.php?N=%20Results%20&T=12&A=both&RT=0&Y=2014&R=-1&C=AO,BN,BC,UV,BY,CV,CM,CT,CD,CN,CF,CG,IV,DJ,EK,ER,ET,GB,GA,GH,GV,PU,KE,LT,LI,MA,MI,MP,MZ,WA,NG,NI,RW,TP,SG,SE,SL,SO,SF,SU,WZ,TZ,TO,UG,ZA,ZI>, accessed 28 June 2015).

Figure 5 Age of the Population in the Caribbean ACP countries 2014



Source: United States Census Bureau, International Data Base. Caribbean ACP States, (data accessible at <http://www.census.gov/population/international/data/idb/region.php?N=%20Results%20&T=12&A=both&RT=0&Y=2014&R=-1&C=AC,BF,BB,BH,CU,DO,DR,GJ,GY,HA,JM,SC,ST,VC,NS,TD>, accessed 28 June 2015).

Figure 6 Age of the Population of the European Union 2014



Source: United States Census Bureau, International Data Base. EU Member States, (data accessible at <http://www.census.gov/population/international/data/idb/region.php?N=%20Results%20&T=12&A=both&RT=3&Y=2014&R=201&C=>, accessed 28 June 2015).

Moreover, literacy rates in the African ACP countries³⁷ range from 25.3% to 94.2%, in the Caribbean ACP countries³⁸ it ranges from 48.7% to 99.8%, and in the Pacific ACP countries³⁹ it ranges from 58.3% to 99%.⁴⁰ In comparison, the European Union average literacy rate is 99.1%.⁴¹

When it comes to ethnic and cultural composition, the three regions also differ considerably with regards to the origins of the populations. Thus, the populations in the African ACP countries are primarily made up of indigenous Africans.⁴² The populations in the Caribbean ACP countries are primarily made up of peoples originating from Europe and Africa⁴³ whilst the populations in the Pacific ACP countries primarily are a mix between indigenous people and European immigrants.⁴⁴

The above data rather clearly confirms that on a number of important accounts the Caribbean ACP States differ from first of all the African ACP States. This may not be surprising. Equally, it should not come as a major surprise that the African ACP countries account for the vast majority of the total ACP region; in population terms the latter account for approximately 95% whereas the Caribbean ACP countries account for less than 3%. In light of this it only seems natural that the African region takes centre-stage in the EU-ACP cooperation. Somewhat surprisingly, however, the European Union provides more than twice as much development cooperation assistance per capita to the Caribbean ACP countries as compared with their African counterparts. And this difference is particularly surprising when we also take into account not only that in economic terms the Caribbean ACP countries in general are much wealthier than the African ones, but also that the Caribbean ACP countries have significantly fewer

³⁷ Data not available for Djibouti, the Republic of Congo, Somalia, and Sudan.

³⁸ Data not available for the Bahamas, Barbados, Belize, Dominica, Grenada, St. Kitts & Nevis, St. Lucia, and St. Vincent and the Grenadines. Note that the literacy rate for Haiti is 48.7%. The second lowest Caribbean ACP State literacy rate is 85.0% (Guyana).

³⁹ Data not available for Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Solomon Islands, Tuvalu, and Vanuatu.

⁴⁰ UNESCO Institute for Statistics, *Adult and Youth Literacy: National, regional and global trends, 1985-2015*, 31–35 (June 2013), <<http://www.uis.unesco.org/Library/Documents/adult-youth-literacy-1990-2015-2013-en.pdf>>.

⁴¹ World Bank, *World Data Bank. World Development Indicators. Literacy rate, adult total (% of people ages 15 and above)*, <databank.worldbank.org/data/EU-Literacy-rate/id/1177b71a> (accessed 30 Jun. 2015). Note that the figure does not include Croatia and, more generally, that a number of high-income countries no longer measure literacy rates (this is for instance the case with regards to Denmark).

⁴² Encyclopaedia Britannica, *Africa. People*, <<http://www.britannica.com/EBchecked/topic/7924/Africa>> (last updated 21 Sep. 2015).

⁴³ Encyclopaedia Britannica, *West Indies*, <<http://www.britannica.com/EBchecked/topic/640195/West-Indies>> (last updated 1 Dec. 2014).

⁴⁴ Encyclopaedia Britannica, *Pacific Islands*, <<http://www.britannica.com/EBchecked/topic/437647/Pacific-Islands>> (accessed 28 Jun. 2015).

challenges than do the African ACP countries so that the latter group displays a much clearer need for assistance.

Put differently, based on the available data it appears rather difficult to argue that the European Union is treating the Caribbean ACP countries worse than the African ACP countries. On the contrary, based on these data the European Union seems to treat the Caribbean ACP countries markedly better. This does not necessarily mean that the Caribbean criticism waged against the European Union is unfounded altogether, but arguably it means that to the extent this criticism has been based on an argument that the European Union treats the Caribbean ACP countries worse than the African ones, this argument must be refuted.

4 COOPERATION BETWEEN THE EUROPEAN UNION AND THE CARIBBEAN

4.1 THE CARIFORUM-EU ECONOMIC PARTNERSHIP AGREEMENT

To an appreciable extent the heterogeneity amongst the ACP States has been reflected in the way the Cotonou Agreement was drafted. Thus, the agreement itself was negotiated by all ACP States (the so-called all-ACP phase) whilst the ACP States negotiated specific trade aspects region-by-region – where the Caribbean ACP States (i.e., the Cariforum States) made up one out of six ACP regions. Indeed, this regionalization is one of the more novel aspects of the Cotonou Agreement.⁴⁵ The idea was that the all-ACP phase should allow the parties to lay down the objectives and principles for the negotiations whilst the regional negotiations should make it possible to cater for regional priorities and sensitivities.⁴⁶ Both representatives of the Caribbean States and of the European Union agree that during the all-ACP phase the former had considerable, albeit indirect, influence since the ACP Secretariat always has had several influential members from the Caribbean – and the same has generally been true with regards to the main negotiators on the part of the ACP countries. In other words, no one seems to take the viewpoint that the Caribbean States were ‘run over’ during the all-ACP phase.

The negotiations between the Cariforum and the EU led to the conclusion of the EU-Cariforum Economic Partnership Agreement; often called the EU-Cariforum EPA or simply the C-EPA. The C-EPA is a trade and development partnership, signed in 2008 by, on the one hand, the fifteen Caribbean States

⁴⁵ See also J. Lodge, *A Trade Partnership for Sustainable Development*, in *The CARIFORUM-EU Economic Partnership Agreement – A Practitioners’ Analysis*, 19–42, 19 (A. Beviglia Zampetti & J. Lodge eds, Kluwer Law International 2011).

⁴⁶ R. Vahl, *From Cotonou to Bridgetown: The Birth of the Caribbean EPA*, in Beviglia Zampetti & Lodge eds, supra n. 45, 1–10, 6–9.

making up Cariforum⁴⁷ and, on the other hand, the European Union. Its objective is to promote trade and investment, underpin regional integration and foster sustainable development in the Caribbean region. However, the C-EPA goes much further than merely covering classic trade. It also covers services, competition, innovation and intellectual property, public procurement, and environmental and labour standards. The C-EPA is supported by European Union funding worth EUR 140 million for the period 2012–2015.

Through the C-EPA the Cariforum countries and the European Union aim to foster growth, jobs and development in the Caribbean. The agreement will lead to a general opening of the EU market beyond WTO commitments in the service sectors, including creative and entertainment industries. It ensures duty-free-quota-free market access into the EU for all products. With regard to EU exports to the Caribbean region, Cariforum imports of what the Cariforum countries view as sensitive products⁴⁸ from the European Union will gradually be liberalized over a period of twenty-five years.

According to the European Union, the C-EPA is the first genuinely comprehensive North-South trade agreement that promotes sustainable development, builds a regional market among developing countries and helps eliminate poverty. In the words of the European Union, the C-EPA puts the Caribbean on the map as an expanding market, where traders and investors can find opportunities for growth and security for their investments. Others have taken a rather more sceptical approach to the C-EPA; for instance, Heron and Siles-Brügge have pointed to the European Union wanting to attain liberalization gains to the benefit of European industry as a (European) driver for the C-EPA.⁴⁹ Indeed, shortly before the agreement was to be signed, some Caribbean academics called for a renegotiation thereof.⁵⁰

On the face of it, the fact that the European Union plays only a limited role when it comes to Caribbean external trade should mean that any negative sides to the C-EPA are likely to be of only more limited importance. It has, however, been

⁴⁷ Cariforum includes fourteen of the fifteen members of CARICOM plus the Dominican Republic. For a detailed account of both the background to the C-EPA and the actual negotiations, see R. L. Bernal, *Globalization, Trade, and Economic Development: The CARIFORUM-EU Economic Partnership Agreement* (Palgrave Macmillan, 2013); and A. Montoute, *From Engagement to Influence: Civil Society Participation in the EPA Trade Negotiations and Regional Integration Processes*, in *Re-mapping the Americas – Trends in Region-making*, 241–253 (W.A. Knight, J. Castro-Rea & H. Ghany eds, Ashgate 2014).

⁴⁸ This particularly concerns agricultural and fisheries products such as sugar, rice, poultry, live animals, fresh fruits and vegetables, as well as various processed agricultural products such as dairy and cheese, wines and spirits, and non-alcoholic beverages.

⁴⁹ T. Heron & G. Siles-Brügge, *Competitive Liberalization and the 'Global Europe' Services and Investment Agenda: Locating the Commercial Drivers of the EU-ACP Economic Partnership Agreements*, 50 *J. Com. Mkt. Stud.* 250 (2012).

⁵⁰ H. Brewster, N. Girvan & V. Lewis, *Renegotiate the EPA* (revised 23 Mar. 2008), <<http://www.normangirvan.info/wp-content/uploads/2008/03/renegotiate-the-epa-rev1.pdf>>.

argued that the C-EPA may be used as a paradigm for trade agreements with other more important trading partners of the Caribbean (in particular the US). In such case – the Caribbean argument goes – the consequences of the C-EPA will become rather more adverse than what was initially expected amongst the Caribbean ACP countries.⁵¹ And this, together with the fact that for a long period the European Union was rather reluctant in ‘pushing’ the African ACP countries to enter into similar EPAs, so that still in September 2015 the C-EPA remains the only EPA that has entered into force, form the basis for soft-spoken Caribbean criticism of the C-EPA; and thereby in reality also of the European Union.

4.2 THE POLITICAL DIMENSION OF EU ACP COOPERATION

In economic terms the Caribbean countries play only a very limited role when viewed from Brussels. This does not mean, however, that these countries are totally unimportant in the opinion of the European Union’s policymakers. Thus, in order to convey a more complete picture of the EU-Caribbean relationship we must complement the above primarily economic aspects with an account of the political dimension of the cooperation between the two sides.

There can be no doubt that the CARICOM countries can play an important role on the international stage as vividly illustrated when they obstructed the European Union’s efforts to be granted representative status at the UN General Assembly in 2010. Irrespective of their (small) size, the CARICOM countries sent a clear message that it would be wrong to overlook them in international negotiations.⁵² The CARICOM countries opposition against granting the EU representative status at the UN showed the European Union the importance of investing the necessary time and resources to undertake diplomatic exchanges with, amongst others, the Caribbean countries in a timely manner. Moreover, it is important to observe that the CARICOM countries generally act rationally. Indeed, perhaps it should not have come as such a big surprise to the European Union that the CARICOM countries objected to the granting of representative status to the former. Thus, rather than granting only the European Union representative status, the CARICOM countries had a clear (and legitimate)

⁵¹ See in this respect C. Lindsay, *The EU-CARIFORUM EPA: Regulatory and Policy Changes and Lessons for Other ACP Countries*, 1 (5) Caribbean J. Intl. Rel. & Dipl. 10 (2013).

⁵² See further V. Miller, *The European Union at the United Nations* (last updated 20 May 2011), <<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05975>>; M. Emerson & J. Wouters, *The EU’s diplomatic debacle at the UN: and now what?* (updated 12 Apr. 2014), <<http://www.europeanvoice.com/article/the-eus-diplomatic-debacle-at-the-un-and-now-what/>>; and M. Emerson et al., *Upgrading the EU’s Role as Global Actor: Institutions, Law and the Restructuring of European Diplomacy* (25 Jan. 2011), <<http://www.ceps.eu/book/upgrading-eus-role-global-actor-institutions-law-and-restructuring-european-diplomacy>>.

interest in allowing a broader range of organizations (including CARICOM) to acquire such status. In addition, the CARICOM countries traditionally have followed the non-aligned movement which after the end of the Cold War often recommends abstaining with regards to votes in cases where, otherwise, these countries will appear as 'satellite States'.⁵³

There are, indeed, clear signs that Brussels may have learnt the lesson. For example, cocaine produced in South America is frequently sent to Europe via Caribbean countries; this is often referred to as the 'Northern route'.⁵⁴ And it is not only cocaine that lands on the shores of the Caribbean countries that function as stations *en route* to Europe. The cocaine business has also brought increased crime to the islands. With Europe as the final destination for the drugs the Caribbean countries seem to expect the European Union to take an active part in combating the smuggling industry. Whereas, earlier, Caribbean politicians and academics would argue that this has not happened to any appreciable extent and that the European Union almost exclusively focussed its attention on West Africa, the situation has changed. Thus, the European Union has allocated considerable resources toward improving public security in (amongst other places) the Caribbean.⁵⁵ Nevertheless, when talking to Caribbean politicians and diplomats it transpires that the extent of European Union support appears not to be fully apprehended by the Caribbean countries. There may therefore still be room for improving communication towards these countries.

Several other factors lend support to the view that the situation is not as black-and-white as has been indicated by several diplomats and politicians. Thus, on a number of weighty issues the European Union and the Caribbean countries cooperate on the international stage with regards to several important matters. For instance, this was the case in the negotiations that ultimately led to the adoption of the UN Arms Trade Treaty; also known as the Small Arms Treaty.⁵⁶ Similarly, in the field of international trade regulation have the Caribbean countries proved to be important partners – and supporters – of the European Union. And the two sides also cooperate when it comes to areas such as climate change and renewable energy, environmental protection, and protection of children. In other words, in

⁵³ See for instance the United Nations General Assembly vote on Resolution 68/262 ('Territorial integrity of Ukraine') in response to the Russian annexation of Crimea. Cuba voted against whereas other Caribbean countries were divided between those who abstained and those who voted in favour.

⁵⁴ EMCDDA and Europol, *Cocaine – A European Union perspective in the global context* (2010), http://www.emcdda.europa.eu/attachements.cfm/att_101612_EN_TDAN09002ENC.pdf.

⁵⁵ European Commission and High Representative of the Union, *Joint Communication to the European Parliament and the Council – Elements for an EU strategy on public security in Central America and the Caribbean*, JOIN (2014) 21 final (2014).

⁵⁶ C. Joseph, *Reflections from the Arms Trade Treaty Negotiations: CARICOM Punching and Succeeding Above Its Weight*, 1 Caribbean J. Intl. Rel. & Dipl. 93 (2013); and K. Prizeman, *From Preparations to Negotiations for an Arms Trade Treaty* (Mar. 2012), <<http://library.fes.de/pdf-files/iez/global/08953.pdf>>.

international affairs the Caribbean countries both act as partners where there are common interests with the European Union and as opponents when there are conflicting interests. They are very conscious about their independence and, despite their small size, the opposition these countries may generate has shown that it will be unwise for the European Union not to take them seriously.

In an apparent recognition of the importance of cultivating the connections with the Caribbean countries, the European Union has decided to offer nationals of a number of these countries visa-free access to the European Union for up to ninety days.⁵⁷ This visa-waiver is not only a practical gesture but also a way whereby the European Union signals that it considers the Caribbean countries to be 'safe'.

Whilst *in economic terms* the Caribbean countries are of only minor importance when viewed from the European Union's offices in Brussels, the situation is different when it comes to *non-economic issues*. Therefore, the European Union would probably be well advised if it took this into due account with regards to its relations with these countries.

4.3 LATIN AMERICA AS ALLIES FOR CARICOM COUNTRIES?

The Caribbean ACP countries find themselves in a peculiar position. From a historical perspective, they have important similarities to the majority of the African and Pacific ACP countries since most of these have had colonial ties until after World War II to first of all France and the United Kingdom.⁵⁸ However, as time passes by the importance of these historical ties necessarily fades whereas other factors gain more weight, such as country size, economic performance and trade patterns. In this context it has been rightly pointed out that '[t]he new trade environment presents formidable challenges and dilemmas for the small vulnerable states of the Caribbean Community'.⁵⁹

Whilst the Caribbean ACP countries may seem to have only little in common with the African ACP countries,⁶⁰ on the face of it, the former may seem to have a good deal in common with the Latin American countries. Indeed, in the

⁵⁷ Regulation 509/2014 of the European Parliament and the Council of 15 May 2014 amending Council Regulation (EC) No. 539/2001 listing the Third Countries whose Nationals must be in Possession of Visas when crossing the External Borders and those whose Nationals are exempt from that Requirement, OJ L 149/67 (2014).

⁵⁸ Encyclopaedia Britannica, *Western Colonialism* (last updated 28 Mar. 2014), <<http://global.britannica.com/EBchecked/topic/126237/colonialism-Western>>.

⁵⁹ M. Freckleton & N. Karagiannis, *Development Policy Options for CARICOM in an Era of Free Trade*, in *The Caribbean Economies in an Era of Free Trade* 109–129, 125 (N. Karagiannis & M. Witter eds, Ashgate, 2004).

⁶⁰ See also F. Jawara & A. Kwa, *Behind the scenes at the WTO: the real world of international trade negotiations/lessons of Cancun – updated edition*, 157 (Zed Books Ltd, 2004).

European Union's Latin America policy, the Caribbean countries are given an important role. However, if we consider the actual cooperation between the Latin American countries on the one hand, and the non-Spanish speaking Caribbean countries on the other hand, it is surprising that between the two sides we are only able to find rather limited connectors in areas such as trade, infrastructure interconnectivity, large-scale investments, political dialogue, and cultural relations. Moreover, just as the Caribbean countries are clearly dwarfed by most of the African ACP countries, the same is certainly true if we compare the Caribbean ACP countries to Latin American countries such as Brazil, Argentina, Chile and Mexico. Thus, the dilemma with regard to size is equally apparent in this context.

In other words, when viewed from the outside, the main challenge facing the Caribbean ACP countries is that they are easily grouped with other countries that are faced with very different challenges. In principle, we may also expect that, due to size, these other countries are capable of speaking with a much louder voice than are the Caribbean countries, but, as we have seen above, the Caribbean ACP countries have shown themselves very apt at positioning themselves in organizations such as the ACP Secretariat as well as in international negotiations.

5 IS THE EUROPEAN UNION-CARIBBEAN RELATIONSHIP REALLY DETERIORATING?

Above we have seen that whereas the European Union's interests vis-à-vis the ACP countries are fairly coherent, the ACP countries' interests vis-à-vis the European Union are much more diversified and in some respects perhaps even mutually conflicting. As we have also seen above, the European Union and the ACP countries have attempted to accommodate this dilemma through regionalization of the Cotonou Agreement. Firstly, so that in practice there are certain sections of the Agreement that primarily cater for African ACP countries whereas other sections primarily cater for Caribbean and Pacific ACP countries. And, secondly, by making the EU-ACP trade agreements (the 'Economic Partnership Agreements') regional rather than ACP-wide. From the ACP countries' point of view these steps certainly make good sense.⁶¹ Still, is there not an appreciable risk that Caribbean (and Pacific) ACP countries are not fully heard at the ACP-wide stage of the negotiations taking into account that the African ACP countries are much larger, much more numerous and play a more important role in the European Union's external policy?

We have seen that in several important respects the Caribbean ACP countries differ from the African ACP countries. It is also clear – and natural – that the

⁶¹ See in support of this regional approach, Lodge, *supra* n. 45, 41.

African ACP countries play a more prominent role in the European Union's relations with the ACP group of countries. At the same time both civil servants from the European Union and from the Caribbean countries take the view that the latter have a surprisingly strong influence in the ACP Secretariat and thereby (indirectly) upon the ACP negotiation position. Moreover, during the negotiations on the Cotonou Agreement the challenges posed by the regional differences were also addressed by splitting the negotiations into two phases: First an all-ACP phase followed by a region-by-region phase.

It seems rather clear that the bottom-line is that the Caribbean ACP countries receive significantly better treatment by the European Union than do their African counterparts. Indeed, whilst the African ACP countries clearly are much more in need than the Caribbean ACP countries, the latter receive close to five times as much development assistance relative to population size from the European Union (Commission administered assistance) than do the former. It appears that the Caribbean countries fail to fully acknowledge this favourable treatment. If the European Union were better at displaying the benefits that it offers the Caribbean ACP countries this could probably help ease the Caribbean perception of being neglected.

The above leads to the question why the European Union continues to offer the Caribbean (and the Pacific) such a relatively high proportion of aid and technical assistance as well as such particular attention with regards to trade despite the Caribbean countries' small population and relatively developed economies? As we have seen above, the answer cannot be found in the objective economic fundamentals. Indeed, the European Union's increased emphasis upon graduation and differentiation would seem to work against the Caribbean ACP countries and to the benefit of Sub-Saharan African LDCs. Nor do geopolitical considerations seem to provide the answer.

Perhaps the most likely answer is that the European Union views its cooperation with the Caribbean ACP countries as a 'model' of interregional trade and development cooperation which should be spread to other ACP regions. In this respect the fact that all the other ACP regions refused to accede to models similar to the Carifroum model arguably in itself made it even more imperative for the European Union that the Cariforum model should be considered a success; if the Cariforum model were to be viewed as a failure by the other ACP regions the European Union's possibilities of establishing similar models with the African and the Pacific groups of ACP countries would become even more difficult to attain.

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